

eligible for a jury trial. But there is that occasional case that comes along and where someone tries to manipulate the system and, of course, judges don't want to do things that would cause appeals, and so they start entertaining the idea when presented a demand for a jury trial, well, maybe we should do that. The trouble is that in I'd say almost every county except Lancaster and Douglas that you don't have juries that are setting around already picked or already there ready to swing into action, and if you are in Lancaster or Douglas County, they are so swamped anyway that they can't begin to have a jury trial within ten days of when that summons is filed. So what this bill does is make it clear, and that's all it is doing, that an action for possession for the premises, that that trial was through the court. Now the uniform law does not talk about that. In fact, we've looked through it, it makes no mention of that. Most states are trial by the court. There are very few even mention that it may be otherwise. This bill made it out of committee last year, it was on General File. Because of time consideration was not be able...wasn't able to be considered, and so I bring to you this morning LB 52, which did come out of Judiciary Committee. I don't know if Senator Lindsay, obviously, there wasn't any amendments to it from the committee, but I think that most people understand that this will bog, if we don't do this, that you could conceivably bog down the system greatly. This is not for money damages. This is not to go after and get a judgment for damages that were done to the premises where you get money. Traditionally, that needs to be done by a jury, and that will continue to be that way. The other question that may be raised is, well, our constitution says you have a right to a jury trial. But that is not an absolute right thing, obviously, like small claims court, divorce actions because they are of an equity nature are asking for actions to be done, in other words, to remove someone from the premises, not to ask for money. You don't violate the Nebraska Constitution. This is, I believe, an acceptable distinction. It also comes in, that our landlord-tenant act came into play statutorily after our constitution was evolved. So I don't think you have any common law rights to a jury trial. This is all statutorily provided for and, thus, I think it is permissible for us to only try these matters through the court without a jury. If we do otherwise, particularly in the smaller counties, it is a lot more expensive. It takes a tremendous amount of extra time and, in fact, most counties you may have to redraw a jury and spend upwards of a month to two months just to find a jury, to get them done, to get the court geared up to do